87S20642 CXP-D

By:  Johnson S.B. No. 94

A BILL TO BE ENTITLED

AN ACT

relating to a policy requiring the use of face masks, face shields, or other face coverings and providing notice to a parent or guardian regarding a positive coronavirus disease (COVID-19) test for a person assigned to a student's classroom in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Subchapter A, Chapter 38, Education Code, is amended by adding Sections 38.0022 and 38.0023 to read as follows:

Sec. 38.0022.  FACE COVERING POLICY. Notwithstanding any other law, the board of trustees of a school district or the governing body of an open-enrollment charter school may adopt a policy requiring the use of a face mask, face shield, or other face covering in a school building, school bus, or other congregate educational setting operated by the district or school.

Sec. 38.0023.  NOTICE OF CORONAVIRUS DISEASE (COVID-19). (a) The board of trustees of a school district or the governing body of an open-enrollment charter school shall adopt a policy requiring the district or school to provide written or electronic notice to the parent or guardian of each student assigned to a classroom in which a student has tested positive for the coronavirus disease (COVID-19). Notice required under this section shall be made as soon as practicable after the district or school becomes aware the student is infected. The notice:

(1)  must include the recommendations of the Centers for Disease Control and Prevention for the treatment and prevention of the spread of the coronavirus disease (COVID-19); and

(2)  may not identify the student who tested positive for the coronavirus disease (COVID-19).

(b)  The commissioner shall adopt rules as necessary to implement this section in a manner that complies with federal law regarding confidentiality of student medical or educational information, including the Health Insurance Portability and Accountability Act of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any state law relating to the privacy of student information.

SECTION 2.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect on the 91st day after the last day of the legislative session.